

**REMARKS**

This communication is a full and timely response to the aforementioned Office Action dated May 20, 2009. By this communication, claims 1-21 are cancelled, and claims 22-41 are added. Therefore, claims 22-41 are pending in the application. Claims 22 and 33 are independent.

Reconsideration of the application and withdrawal of the rejections of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

**I. Objections to the Specification**

The specification was objected to for not following the preferable arrangement format as specified in 37 C.F.R. 1.77(b). The specification has been amended herein to add headings according to the preferred format of 37 C.F.R. 1.77(b).

In addition, the specification was objected to for not providing proper antecedent basis for the "memory" as recited in line 6 of original claim 1. The specification has been amended herein to provide proper antecedent basis for the "memory" as recited in original claim 1.

Applicants respectfully request that the objections to the specification be withdrawn in view of the amendments presented herein.

**II. Amendments to the Specification**

Other minor editorial revisions have been made to the specification to correct informalities and to remove references to claims, in view of the possibility that the numbering of claims can be altered during the prosecution of the present application. Approval and entry of the specification amendments are respectfully requested.

**III. Objections to the Abstract**

The Office asserted that the present application was not filed with an abstract commencing on a separate sheet, as required by 37 C.F.R. 1.72(b). This assertion is incorrect.

The present application is a national stage application of international application No. PCT/EP2004/003153, which was filed on March 25, 2004. A copy of

the Abstract of the published international application (WO/2004/088928) was filed as the Abstract of the present application on October 4, 2005. The Abstract of the international application is identified in PAIR as having been filed on October 4, 2005, and thus it is presumably available in the Office's IFW system.

MPEP 1893.03(e)(I) provides that

[t]he requirement of 37 CFR 1.52(b) that the abstract "commence on a separate physical sheet or electronic page" does not apply to the copy of the published international application communicated to the designated Offices by the International Bureau under PCT Article 20. Accordingly, it is improper for the examiner of the U.S. national stage application to require the applicant to provide an abstract commencing on a separate sheet if the abstract does not appear on a separate sheet in the publication of the international application. (emphasis added)

Accordingly, since Applicants have supplied an Abstract in accordance with the applicable rules of practice, the Office is respectfully requested to withdraw the objection to the Abstract.

#### **IV. Objections to the Drawings**

The drawing was objected to because it did not include descriptive text legends for the components illustrated therein. To improve readability, a legend is included to textually identify each component denoted by a reference numeral. The legend complies with 37 C.F.R. 1.84(o).

Furthermore, the drawing was objected to because it did not include an illustration of a "memory" as recited in line 6 of original claim 1. The drawing has been revised to include an illustration of a memory 50 comprised in the withdrawable unit 11.

Having responded fully to each drawing objection, Applicants respectfully request that the objections to the drawings be withdrawn.

#### **V. Information Disclosure Statement**

The Office indicated that the Information Disclosure Statement (IDS) filed on October 4, 2005 did not comply with 37 C.F.R. 1.98(a)(2), because copies of the two non-patent literature documents were not available in IFW. It is noted that the

documents, which were cited in the International Search Report of the corresponding international application, were to be forwarded by the International Bureau.

However, it appears that the non-patent literature documents were not forwarded to the Office. Copies of the two non-patent literature documents cited in the IDS are submitted herewith via a Supplemental IDS to ensure consideration. Applicants respectfully request that the non-patent literature documents be considered, and that the Office return an initialed copy of the Form PTO-1449 to indicate consideration of these documents.

#### **VI. Claim Objections**

The objections of the claims are believed to be moot in view of the cancellation of claims 1-21. New claims 22-41 were each drafted to obviate the objections raised by the Office.

Applicants respectfully request that the claim objections be withdrawn.

#### **VII. Rejections Under 35 U.S.C. § 112**

Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

This rejection is believed to be moot in view of the cancellation of claims 1-20. New claims 22-41 were each drafted to obviate the identified issues of indefiniteness.

Applicants respectfully request that the indefiniteness rejections be withdrawn.

#### **VIII. Rejections Under 35 U.S.C. § 101**

Claims 10-20 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

This rejection is believed to be moot in view of the cancellation of claims 10-20. New claims 22-41 were each drafted to address the Office's concerns with respect to 35 U.S.C. § 101.

Applicants respectfully request that the rejections under 35 U.S.C. § 101 be withdrawn.

## **IX. Rejections Under 35 U.S.C. § 102**

Claim 21 was rejected under 35 U.S.C. § 102(b) as being anticipated by Swales (WO 02/05107). This rejection is believed to be moot in view of the cancellation of claim 21.

## **X. Rejections Under 35 U.S.C. § 103**

Claims 1-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen (U.S. Patent No. 7, 002,807) in view of Swales. Furthermore, dependent claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen and Swales in further view of Maloy (U.S. Patent No. 6,557,049).

These rejections are believed to be moot in view of the cancellation of claims 1-21. Furthermore, Applicants respectfully submit that these rejections are inapplicable to new claims 22-41, for at least the following reasons.

New independent claim 22 includes features of cancelled claims 1-3. New independent claim 33 includes features of cancelled claims 10, 11 and 15.

Applicants respectfully submit that the claimed invention is patentable over the applied references for at least the following reasons.

With reference to Figure 1, an exemplary embodiment of the present disclosure provides a switchgear assembly system. The exemplary system includes withdrawable units 11 which each include a respective memory 50 configured to store therein appliance operation information that is required for operation of the corresponding withdrawable unit 11. The exemplary system also includes a switchgear cabinet 10 having a plurality of insert compartments 12, 14, 16, 18 which are each configured to have installed thereinto a respective one of the withdrawable units 11. The exemplary system also includes a field bus connected to each insert compartment 12, 14, 16, 18 to provide communication to each withdrawable unit 11 respectively installed into a corresponding one of the insert compartments 12, 14, 16, 18.

The exemplary system also comprises an Ethernet switch 20 having a plurality of ports 13, 15, 17 and 19. Each insert compartment 12, 14, 16, 18 is allocated to a unique one of the ports 13, 15, 17 and 19. For instance, as shown in

Figure 1, insert compartment 12 is uniquely connected to port 13 of the Ethernet switch 20. Insert compartment 14 is uniquely connected to port 15, insert compartment 16 is uniquely connected to port 17, and insert compartment 18 is uniquely connected to port 19. Accordingly, the insert compartments can be uniquely identified by an address so that the compartment and a withdrawable unit can be uniquely addressed and identified.

Therefore, according to the exemplary embodiment, the Ethernet switch 20 can communicate independently with each one of the withdrawable units 11 via the field bus according to an Ethernet TCP/IP protocol, such that each one of the withdrawable units 11 installed into a corresponding one of the insert compartments 12, 14, 16, 18 is respectively allocated a unique TCP/IP address to enable each one of the withdrawable units 11 to constitute a TCP/IP interface. Accordingly, if a withdrawable unit 11 fails, for example, it becomes possible to replace the failed unit with a working unit and assign a unique address to that new working unit. Similarly, if a working unit is disconnected from one of the insert compartments, the working unit can be recognized when it is connected back to the insert compartment, so that configuration and addressing operations are obviated.

The exemplary system also includes an application server 30 configured to assign the respectively unique TCP/IP address to each one of the withdrawable units 11 installed into a corresponding one of the insert compartments 12, 14, 16, 18. In addition, the exemplary system includes a database 40 configured to at least one of store and manage respective appliance data for each one of the withdrawable units 11.

New claims 22 and 33 recite various features of the above-described exemplary embodiment. The inventions of claims 22 and 33 are patentable over the applied references.

Chen discloses a telecommunication system and method for automatic provisioning of equipment, topology and end-to-end paths for SONET networks (see Column 1, lines 20-23). Chen defines SONET as "synchronous optical network" using optical fibers (see Column 1, lines 26-30).

In rejecting cancelled claim 3, the Office alleged that Chen discloses the feature of an insert compartment being allocated a unique port. This assertion is not applicable to the claimed invention.

Claim 22 recites that the Ethernet switch has a plurality of ports respectively allocated to a corresponding one of the insert compartments such that each insert compartment is allocated to a unique one of the ports, and that the Ethernet switch is configured to communicate with each one of the withdrawable units via the field bus according to an Ethernet TCP/IP protocol, such that each one of the withdrawable units installed into a corresponding one of the insert compartments is respectively allocated a unique TCP/IP address to enable the each one of the withdrawable units to constitute a TCP/IP interface.

Chen does not disclose or suggest this feature of allocating a unique address to a withdrawable unit in accordance with allocating a unique port of an Ethernet switch to the insert compartment into which the withdrawable unit is installed so that the withdrawable unit can be uniquely identified and allocated a unique TCP/IP address. As acknowledged by the Office, Chen does not disclose, suggest or contemplate the feature of an Ethernet TCP/IP connection and address allocation, as well as a withdrawable unit constituting a TCP/IP interface.

Swales also does not disclose or suggest the above-described features of claim 22. Swales discloses a system for automatically reconfiguring industrial networks with the use of TCP/IP networks such as Ethernet. The Ethernet network comprises Ethernet managed switches 20 to which a number of hubs 40 having a number of hub ports 45 are connected (see Figure 1). A plurality of devices such as I/O devices 50 and a PC 60 are connected to these hub ports 45 (see page 24). The monitor agent 10 knows the approximate location of the individual devices by knowing to which port the individual device is connected (see page 24, lines 23-35).

However, in contrast to the claimed invention, the monitor agent 10 does not know of the individual devices based on a unique TCP/IP address that are allocated to the individual devices based on the connection of the individual devices to a unique port of the hub 40. On the contrary, Swales discloses that the monitor agent 10 knows individual devices based on the MAC address of the device, not a TCP/IP address uniquely assigned to the device. Instead, Swales discloses that different

devices connected to the same port at different times will be assigned the same IP address (see page 25, lines 8-13).

Accordingly, similar to Chen, Swales does not disclose or suggest an Ethernet switch having a plurality of ports respectively allocated to a corresponding one of the insert compartments such that each insert compartment is allocated to a unique one of the ports, and the Ethernet switch being configured to communicate with each one of the withdrawable units via the field bus according to an Ethernet TCP/IP protocol, such that each one of the withdrawable units installed into a corresponding one of the insert compartments is respectively allocated a unique TCP/IP address to enable the each one of the withdrawable units to constitute a TCP/IP interface, as recited in claim 22.

Furthermore, by failing to disclose or suggest the arrangement of the Ethernet switch and insert compartments, Chen and Swales also cannot disclose or suggest the recited arrangement of the application server and database, as recited in claim 22.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that claim 22 is patentable over Chen and Swales, since Chen and Swales do not disclose or suggest all the recited features of claim 22.

The method of new claim 33 is patentable for similar reasons. For instance, Chen and Swales do not disclose or suggest the second connecting feature as well as the allocating and downloading features as recited in claim 33.

Therefore, Applicants respectfully submit that claims 22 and 33 are patentable over Chen and Swales, since Chen and Swales, either individually or in combination, fail to disclose or suggest all the recited features of claims 22 and 33.

Maloy does not cure the deficiencies of Chen and Swales for failing to disclose or suggest all the recited features of claims 22 and 33.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that claims 22 and 33, as well as claims 23-32 and 34-41 which depend therefrom, are patentable over the applied references.

Dependent claims 23-32 and 34-41 recite further distinguishing features over the applied references. The foregoing explanation of the patentability of independent claims 22 and 33 is sufficiently clear such that it is believed to be unnecessary to

separately demonstrate the additional patentable features of the dependent claims at this time. However, Applicants reserve the right to do should it become appropriate.

**XI. Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. Accordingly, a favorable examination and consideration of the instant application are respectfully requested.

If, after reviewing this Amendment, the Examiner believes there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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